Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Metro Machine Corporation
Facility Name:	Metro Machine Corporation
Facility Location:	200 Ligon Street Norfolk, Virginia
Registration Number:	60134
Permit Number:	TRO60134

This permit includes the following programs:
Federally Enforceable Requirements - Clean Air Act (Sections I through XIII)
State Only Enforceable Requirements (Section XIV)

November XX, 2007
Effective Date

November XX, 2012
Expiration Date

Francis L. Daniel

November XX, 2007
Signature Date

Table of Contents

I. Facility Information

Permittee
Metro Machine Corporation
P.O. Box 1860
Norfolk, Virginia 23501

Responsible Official
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President

Facility
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200 Ligon Street
Norfolk, Virginia 23501

Contact Person
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County-Plant Identification Number: 51-710-00034

Facility Description: NAICS 336611 Ship Building and Repairing

This U.S. industry comprises establishments primarily engaged in operating a shipyard. Shipyards are fixed facilities with drydocks and fabrication equipment capable of building a ship, defined as watercraft typically suitable or intended for other than personal or recreational use. Activities of shipyards include the construction of ships, their repair, conversion and alteration, the production of prefabricated ship and barge sections, and specialized services, such as ship scaling.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	Pollutant Controlled	Applicable Permit Date
1	1	Kewanee boiler H35-750-G02 (natural gas / distillate oil)	32.0 mmBtu/hr	-----	-----	8/1/1984, amended 4/23/1986
2	2	Kewanee boiler H3S500-G (natural gas / distillate oil)	20.9 mmBtu/hr	-----	-----	1/3/1986
4	4	Caterpillar diesel generator (installed 2000)	1,087.8 HP	-----	-----	-----
98, 99	98, 99	#1 and #2 Caterpillar diesel generators	2,514 HP, each	-----	-----	6/26/2002
10	-----	Dry dock abrasive blasting of ship underwater hull and freeboard surfaces (constructed 1982)	1,000 square foot/hour (8 operators)	containment screens	PM10	-----
21	-----	Pier side interior / top side hand roll / brush and airless spray painting (constructed 1971)	7 gallons/hour (2 painters)	containment screens when airless spray guns are used	PM10	-----
22	-----	Outside machine shop hand roll / brush touch-up painting (constructed 1971)	3 gallons/hour (2 painters)	-----	-----	-----
23	-----	Paint shop priming – 60% hand roll / brush and 40% airless spray (constructed 1971)	7 gallons/hour (2 painters)	-----	-----	-----
24	-----	Maintenance shop degreaser (constructed 1990)	20 gallons	cover for degreaser and 15-second parts draining	VOC	-----
25	-----	Outside machine shop degreasers (2) (constructed 1990)	40 gallons, each	cover for degreaser and 15-second parts draining	VOC	-----
27	-----	Inside machine shop degreasers (2) (constructed 1990)	20 and 40 gallons	cover for degreaser and 15-second parts draining	VOC	-----
28	-----	Dry dock painting	98 gallons/hour (16 painters)	containment screens when airless spray guns are used	PM10	6/26/2002

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Kewanee Boiler, 32.0 mmBtu/hr (Emission Unit #1)

A. Limitations

1. The boiler shall consumer no more than 95,000,000 cubic feet of gas or 710,000 gallons of No.2 fuel oil per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

   (9 VAC 5-80-110 and Specific Condition 4 of the NSR permit issued August 1, 1984 and amended April 23, 1986)

2. Emissions from the operation of the boiler shall not exceed the limitations specified below:

Particulate Matter	0.02 lb/mmBtu	0.5 lb/hr	0.8 ton/yr
Sulfur Dioxide	0.6 lb/mmBtu	19.1 lbs/hr	30.2 tons/yr

   (9 VAC 5-80-110 and Specific Condition 5 of the NSR permit issued August 1, 1984 and amended April 23, 1986)

3. The approved fuels for the boiler are natural gas and No. 2 fuel oil. A change in the fuels may require a permit to modify and operate.

   (9 VAC 5-80-110 and Specific Condition 6 of the NSR permit issued August 1, 1984 and amended April 23, 1986)

4. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

   (9 VAC 5-80-110 and 9 VAC 5-50-80)

5. The opacity standard shall apply at all times except during periods of startup, shutdown, and malfunction.

   (9 VAC 5-80-110 and 9 VAC 5-50-20 A.3.)

6. At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

   (9 VAC 5-80-110, 9 VAC 5-50-20 E, and 9 VAC 5-20-180 A)

B. Monitoring and Recordkeeping

1. The permittee shall perform visual evaluations of the Kewanee boiler stack (emission unit #1) once each calendar month during normal operating conditions and daylight hours for compliance with the opacity standard. If, during any calendar month, both No. 2 fuel and natural gas are combusted, a visual evaluation shall be obtained while burning No. 2 fuel. If such periodic evaluations indicate any opacity condition, the permittee shall take appropriate action to correct the cause of the opacity. If such corrective action fails to correct the problem, the permittee shall conduct a visible emissions evaluation (VEE) utilizing EPA Method 9 (reference 40 CFR 60, Appendix A). The permittee shall record date, time, name of person performing evaluation, results of visual evaluations, corrective actions and visible emissions evaluations in a logbook. The logbook shall be kept at the facility and available for inspection by the DEQ for the most recent five (5) year period.

2. The permittee shall maintain records of all emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:

   a. The annual throughput of natural gas (in million cubic feet) and distillate oil (in 1000 gallons) for the Kewanee boiler (emission unit #1), calculated as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

   b. Records of visual evaluations and visible emissions evaluations conducted, and any corrective actions taken. These records shall include, at minimum, the date and time of the observation, the name of the observer, observations made, a description of any corrective action deemed necessary, and the date the corrective action was completed.

   c. DEQ-approved, pollutant-specific emission factors and equations used to determine compliance with the emission limits.

   These records shall be available for inspection by the DEQ and shall be current for the most recent five years.
   (9 VAC 5-80-110)

IV. Kewanee Boiler, 20.9 mmBtu/hr (Emission Unit #2)

A. Limitations

1. The boiler shall consume no more than 1,200,000 gallons of No. 2 oil or the natural gas equivalent (167 million cubic feet of natural gas) per year, calculated annually as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

   (9 VAC 5-80-110 and Specific Condition 4 of the NSR permit issued January 3, 1986)

2. Emissions from the operation of the boiler shall not exceed the limitations specified below:

Particulate Matter	0.1 lb/mmBtu	0.4 lb/hr	1.2 tons/yr
Sulfur Dioxide	0.6 lb/mmBtu	12.7 lbs/hr	42.6 tons/yr

   (9 VAC 5-80-110 and Specific Condition 5 of the NSR permit issued January 3, 1986)

3. The approved fuel for the boiler is natural gas or No. 2 fuel oil. A change in the fuels may require a permit to modify and operate.

   (9 VAC 5-80-110 and Specific Condition 6 of the NSR permit issued January 3, 1986)

4. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

   (9 VAC 5-80-110 and 9 VAC 5-50-80)

5. The opacity standard shall apply at all times except during periods of startup, shutdown, and malfunction.

   (9 VAC 5-80-110 and 9 VAC 5-50-20 A.3.)

6. At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

   (9 VAC 5-80-110, 9 VAC 5-50-20 E, and 9 VAC 5-20-180 A)

B. Monitoring and Recordkeeping

1. The permittee shall perform visual evaluations of the Kewanee boiler stack (emission unit 2) once each calendar month during normal operating conditions and daylight hours for compliance with the opacity standard. If, during any calendar month, both No. 2 fuel and natural gas are combusted, a visual evaluation shall be obtained while burning No. 2 fuel. If such periodic evaluations indicate any opacity condition, the permittee shall take appropriate action to correct the cause of the opacity. If such corrective action fails to correct the problem, the permittee shall conduct a visible emissions evaluation (VEE) utilizing EPA Method 9 (reference 40 CFR 60, Appendix A). The permittee shall record date, time, name of person performing evaluation, results of visual evaluations, corrective actions and visible emissions evaluations in a logbook. The logbook shall be kept at the facility and available for inspection by the DEQ for the most recent five (5) year period.

2. The permittee shall maintain records of all emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:

   a. The annual throughput of natural gas (in million cubic feet) and distillate oil (in 1000 gallons) for the Kewanee boiler (emission unit #2), calculated as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

   b. Records of visual evaluations and visible emissions evaluations conducted, and any corrective actions taken. These records shall include, at minimum, the date and time of the observation, the name of the observer, observations made, a description of any corrective action deemed necessary, and the date the corrective action was completed.

   c. DEQ-approved, pollutant-specific emission factors and equations used to determine compliance with the emission limits.

   These records shall be available for inspection by the DEQ and shall be current for the most recent five years.
   (9 VAC 5-80-110)

V. Caterpillar Diesel Generator, 1087.8 HP (Emission Unit #4)

A. Limitations

1. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

   (9 VAC 5-80-110 and 9 VAC 5-50-80)

2. The opacity standard shall apply at all times except during periods of startup, shutdown, and malfunction.

   (9 VAC 5-80-110 and 9 VAC 5-50-20 A.3.)

3. At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

   (9 VAC 5-80-110, 9 VAC 5-50-20 E, and 9 VAC 5-20-180 A)

B. Monitoring and Recordkeeping

1. The permittee shall perform visual evaluations of the generator stack once each calendar month during normal operating conditions and daylight hours for compliance with the opacity standard. If such periodic evaluations indicate any opacity condition, the permittee shall take appropriate action to correct the cause of the opacity. If such corrective action fails to correct the problem, the permittee shall conduct a visible emissions evaluation (VEE) utilizing EPA Method 9 (reference 40 CFR 60, Appendix A). If the unit was not operated during a calendar month, the permittee shall record such information. The permittee shall record date, time, name of person performing evaluation, results of visual evaluations, corrective actions and visible emissions evaluations in a logbook. The logbook shall be kept at the facility and available for inspection by the DEQ for the most recent five (5) year period.

2. The permittee shall maintain records of all emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to records of visual evaluations and visible emissions evaluations performed, and any corrective actions taken. These records shall include, at minimum, the date and time of the observation, the name of the observer, observations made, a description of any corrective action deemed necessary, and the date the corrective action was completed. These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

   (9 VAC 5-80-110)

VI. #1 and #2 Caterpillar Diesel Generators, 2,514 HP each (Emission Unit #98 and #99)

A. Limitations

1. SO_2 emissions from the operation of the generators shall be controlled by utilizing low-sulfur fuel and limiting operational hours.

   (9 VAC 5-80-110 and Condition 3 of the NSR permit issued June 26, 2002)

2. **Operating Hours** – Each 2,514 HP diesel generator shall not operate more than 500 hours per year, calculated monthly as the sum of each consecutive 12-month period.

   (9 VAC 5-80-110 and Condition 5 of the NSR permit issued June 26, 2002)

3. **Fuel** – The approved fuel for the dry dock generators is diesel fuel. A change in the fuel may require a permit to modify and operate.

   (9 VAC 5-80-110 and Condition 6 of the NSR permit issued June 26, 2002)

4. **Fuel** – The diesel fuel shall meet the specifications below:

   DISTILLATE OIL which meets the ASTM specifications for numbers 1 or 2 fuel oil
   Maximum sulfur content per shipment: 0.05%

   (9 VAC 5-80-110 and Condition 7 of the NSR permit issued June 26, 2002)

5. **Emission Limits** – Emissions from the operation of the dry dock generators shall not exceed the limits specified below:

	Each	Combined
Particulate Matter	1.8 lbs/hr	0.9 ton/yr
PM-10	1.5 lbs/hr	0.7 ton/yr
Sulfur Dioxide	1.0 lbs/hr	0.5 ton/yr
Nitrogen Oxides (as NO_2)	60.3 lbs/hr	30.2 tons/yr
Carbon Monoxide	13.8 lbs/hr	7.0 tons/yr
Volatile Organic Compounds	1.6 lbs/hr	0.8 ton/y

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers A.2, 3, 4, and 6 of this Section.
(9 VAC 5-80-110 and Condition 9 of the NSR permit issued June 26, 2002)

6. **Visible Emission Limit** – Visible emissions from the dry dock generators shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.

   (9 VAC 5-80-110 and Condition 10 of the NSR permit issued June 26, 2002)

7. **Maintenance / Operating Procedures** – The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:

   a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.

   b. Maintain an inventory of spare parts.

   c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.

   d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training, and the nature of the training.

   Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
   (9 VAC 5-80-110 and Condition 34 of the NSR permit issued June 26, 2002)

B. Monitoring and Recordkeeping

1. The permittee shall perform visual evaluations of each generator stack once each calendar month during normal operating conditions and daylight hours for compliance with the opacity standard. If such periodic evaluations indicate any opacity condition, the permittee shall take appropriate action to correct the cause of the opacity condition. If such corrective action fails to correct the problem, the permittee shall conduct a visible emissions evaluation (VEE) utilizing EPA Method 9 (reference 40 CFR 60, Appendix A). The permittee shall record date, time, name of person performing evaluation, results of visual evaluations, corrective actions and visible emissions evaluations in a logbook. The logbook shall be kept at the facility and available for inspection by the DEQ for the most recent five year period.

   (9 VAC 5-80-110)

2. **Fuel Certification** – The permittee shall obtain a certification from the fuel supplier with each shipment of diesel fuel. Each fuel supplier certification shall include the following:

   a. The name of the fuel supplier;

   b. The date on which the diesel fuel was received;

   c. The volume of diesel fuel delivered in the shipment;

   d. A statement that the diesel fuel complies with the American Society for Testing and Materials specifications for numbers 1 or 2 fuel oil; and,

   e. The sulfur content of the diesel fuel.

   (9 VAC 5-80-110 and Condition 8 of the NSR permit issued June 26, 2002)

3. **On Site Records** – The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:

   a. Annual hours of operation for each dry dock generator, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

   b. All fuel supplier certifications.

   c. Scheduled and unscheduled maintenance, and operator training.

   d. Records of visual evaluations and visible emissions evaluations conducted, and any corrective actions taken. These records shall include, at minimum, the date and time of the observation, the name of the observer, observations made, a description of any corrective action deemed necessary, and the date the corrective action was completed.

   e. DEQ-approved, pollutant-specific emission factors and equations used to determine compliance with the emission limits.

   (9 VAC 5-80-110 and Condition 11 of the NSR permit issued June 26, 2002)

VII. Dry Dock Abrasive Blasting (Emission Unit #10)

A. Limitations

1. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

   (9 VAC 5-80-110 and 9 VAC 5-50-80)

2. The opacity standard shall apply at all times except during periods of startup, shutdown, and malfunction.

   (9 VAC 5-80-110 and 9 VAC 5-50-20 A.3.)

3. At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

   (9 VAC 5-80-110, 9 VAC 5-50-20 E, and 9 VAC 5-20-180 A)

VIII. Painting Operations (Emission Units #21, #22, #23, and #28)

A. Limitations

1. VOC/VOHAP emissions from the painting operations shall be controlled by utilizing compliant coatings.

   (9 VAC 5-80-110 and Condition 3 of the NSR permit issued June 26, 2002)

2. Each shipbuilding and ship repair operation is to be operated in compliance with the general provisions of 40 CFR Part 63, Subpart A as specified in Table 1 of 40 CFR Part 63, Subpart II.

   (9 VAC 5-80-110, 40 CFR 63.780, and Condition 12 of the NSR permit issued June 26, 2002)

3. The provisions of 40 CFR Part 63 Subpart II do not apply to "low-usage exempt" coatings used in volumes of less than 52.8 gallons per year for each coating, and 264 gallons per year of all such coatings. Coatings exempt under this condition shall be clearly labeled as "low-usage exempt".

   (9 VAC 5-80-110, 40 CFR 63.781(b), and Condition 13 of the NSR permit issued June 26, 2002)

4. The provisions of 40 CFR Part 63, Subpart A pertaining to startups, shutdowns, and malfunctions, and continuous monitoring do not apply unless an add-on control system is used to comply with 40 CFR Part 63, Subpart II.

   (9 VAC 5-80-110, 40 CFR 63.781(d), and Condition 14 of the NSR permit issued June 26, 2002)

5. The permittee shall not cause or allow the application of any coating to a ship with an as-applied Volatile Organic Hazardous Air Pollutant (VOHAP) content exceeding the applicable limit given in Table 2 of 40 CFR Part 63 Subpart II.

   (9 VAC 5-80-110, 40 CFR 63.783(a), and Condition 15 of the NSR permit issued June 26, 2002)

6. The permittee shall ensure that:

   a. All handling and transfer of VOHAP-containing materials to and from containers, tanks, vats, drums, and piping systems is conducted in a manner that minimizes spills.

   b. All containers, tanks, vats, drums, and piping systems are free of cracks, holes, and other defects, and remain closed unless materials are being added to or removed from them.

   (9 VAC 5-80-110, 40 CFR 63.783(b), and Condition 16 of the NSR permit issued June 26, 2002)

7. Emissions from the painting operation for Emission Unit #28 only shall not exceed the limits specified below:

Volatile Organic Compounds	97.0 tons/yr
VOHAPs (Individual or Combined)	97.0 tons/yr

Compliance with these emission limits may be determined as stated in Condition number C.1 of this section.
(9 VAC 5-80-110 and Condition 22 of the NSR permit issued June 26, 2002)

B. Compliance Procedures

1. For each batch of coating that is received, the permittee shall:

   a. Determine the coating category and the applicable VOHAP limit as specified in 40 CFR 63.783(a).

   b. Certify the as-supplied VOC content of the batch of coating.

   (9 VAC 5-80-110, 40 CFR 63.785(a), and Condition 17 of the NSR permit issued June 26, 2002)

2. In lieu of testing each batch of coating, as applied, the permittee may determine compliance with the VOHAP limits using any combination of the procedures described in 40 CFR 63.785(c)(1), (c)(2), (c)(3), and (c)(4). The procedure used for each coating shall be determined and documented prior to application.

   (9 VAC 5-80-110, 40 CFR 63.785(b)(1), and Condition 18 of the NSR permit issued June 26, 2002)

3. The results of any compliance demonstration using Method 24 shall take precedence over the results using the procedures in 40 CFR 63.785(c)(1), (c)(2), or (c)(3).

   (9 VAC 5-80-110, 40 CFR 63.785(b)(2), and Condition 19 of the NSR permit issued June 26, 2002)

4. The results of any compliance demonstration conducted using an approved test method to determine VOHAP content shall take precedence over the results using the procedures in 40 CFR 63.785(c)(4).

   (9 VAC 5-80-110, 40 CFR 63.785(b)(3), and Condition 20 of the NSR permit issued June 26, 2002)

C. Monitoring, Recordkeeping, and Reporting

1. The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include but are not limited to monthly and annual emissions calculations to verify compliance with the Volatile Organic Compound, Individual, and Total HAP emission limitations in Condition VIII.A.7. The annual emissions shall be calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

   (9 VAC 5-80-110 and Condition 24 of the NSR permit issued June 26, 2002)

2. For each compliance procedure used (40 CFR 63.785(c)(1), (2), (3), and (4)), the permittee shall maintain records to demonstrate compliance with the chosen procedure.

   (9 VAC 5-80-110, 40 CFR 63.785(c), and Condition 21 of the NSR permit issued June 26, 2002)

3. The permittee shall comply with the applicable recordkeeping and reporting requirements in 40 CFR 63.10(a), (b), (d), and (f). Any owner that received approval pursuant to 40 CFR 63.783(c) to use an add-on control system to control coating emissions shall also comply with the applicable requirements of 40 CFR 63.10(c) and (e).

   (9 VAC 5-80-110, 40 CFR 63.788(a), and Condition 25 of the NSR permit issued June 26, 2002)

4. Each owner or operator of a major source shipbuilding or ship repair facility having surface coating operations with less than 264 gallons annual marine coating usage shall record the total volume of coating applied at the source to ships. Such records shall be compiled monthly and maintained for a minimum of 5 years.

   (9 VAC 5-80-110, 40 CFR 63.788(b)(1), and Condition 26 of the NSR permit issued June 26, 2002)

5. Each owner or operator of an affected source shall compile records on a monthly basis and maintain those records for a minimum of 5 years. At a minimum, these records shall include:

   a. All documentation supporting initial notification;

   b. A copy of the affected source's implementation plan;

   c. The volume of each low-usage-exempt coating applied;

   d. Identification of the coatings used, their appropriate coating categories, and the applicable VOHAP limit;

   e. Certification of the as-supplied VOC content of each batch of coating;

   f. A determination of whether containers meet the standards as described in 40 CFR 63.783(b)(2); and,

   g. The results of any Method 24 of Appendix A or 40 CFR Part 60 or approved VOHAP measurement test conducted on individual containers of coating, as applied.

   h. Any additional information, as determined by the compliance procedure(s) described in 40 CFR 63.785(c) that the permittee followed.

   (9 VAC 5-80-110, 40 CFR 63.788(b)(2), 40 CFR 63.788(b)(3), and Condition 24 of the NSR permit issued June 26, 2002)

6. if the permittee detects a violation of the standard specified in 40 CFR 63.783, the owner or operator shall, for the remainder of the reporting period during which the violation(s) occurred, include the information listed in 40 CFR 63.788(b)(4) in the facility records.

   (9 VAC 5-80-110, 40 CFR 63.788(b)(4), and Condition 27 of the NSR permit issued June 26, 2002)

7. Before the 60th day following completion of each 6-month period after the compliance date specified in 40 CFR 63.784, the permittee shall submit a report for each of the previous 6 months. The report shall include all of the information that must be retained pursuant to paragraphs (b)(2) through (3) of 40 CFR 63.788, except for that specified in paragraphs (b)(2)(i) through (ii), (b)(2)(v), (b)(3)(i)(A), (b)(3)(ii)(A), and (b)(3)(iii)(A). If a violation is detected, the source shall also report the information specified in paragraph (b)(4) of 40 CFR 63.788 for the reporting period during which the violation(s) occurred. To the extent possible, the report shall be organized according to the compliance procedure(s) followed each month by the affected source.

   (9 VAC 5-80-110, 40 CFR 63.788(c), and Condition 28 of the NSR permit issued June 26, 2002)

IX. Degreaser Requirements (Emission Units #24, #25, and #27)

A. Limitations

1. No owner or other person shall use or permit the use of any cold cleaner unless such cleaner is equipped with a control method that will remove, destroy or prevent the discharge into the atmosphere of at least 85% by weight of volatile organic compound emissions.

   (9 VAC 5-80-110 and 9 VAC 5-40-3280 C.1)

2. Achievement of the emission standard shall be achieved by complying with the applicable methods and operating requirements in 9 VAC 5-40-3290 C.

   (9 VAC 5-80-110 and 9 VAC 5-40-3290 C)

X. Facility-Wide Conditions

A. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.

   (9 VAC 5-50-30 and 9 VAC 5-80-110)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.

   (9 VAC 5-80-110)

XI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity 9 VAC 5-80-720 C)
5	Caterpillar diesel compressor	9 VAC 5-80-720 B	PM10, PM, VOC, SO2, NOx, CO, HAPs	440 HP
6	Caterpillar diesel compressor	9 VAC 5-80-720 B	PM10, PM, VOC, SO2, NOx, CO, HAPs	440 HP
11	Enclosed bead blaster in outside machine shop	9 VAC 5-80-720 B	PM10	4 lbs beads
12	Enclosed bead blaster in boiler shop	9 VAC 5-80-720 B	PM10	4 lbs beads
13	Enclosed bead blaster in compressor / fire pump maintenance area	9 VAC 5-80-720 B	PM10	4 lbs beads
14	Enclosed bead blaster in inside machine shop	9 VAC 5-80-720 B	PM10	4 lbs beads
15	Enclosed bead blaster in electric shop	9 VAC 5-80-720 B	PM10	4 lbs beads
16	Air conditioner maintenance	9 VAC 5-80-720 B	VOC	Not applicable
29	Detroit Diesel 253 emergency generator	9 VAC 5-80-720 C	PM10, PM, VOC, SO2, NOx, CO, HAPs	55 HP
31	Wet Slip Detroit diesel 671 fire pump	9 VAC 5-80-720 C	PM10, PM, VOC, SO2, NOx, CO, HAPs	235 HP
32	Finger pier Cummins Diesel 903 fire pump	9 VAC 5-80-720 C	PM10, PM, VOC, SO2, NOx, CO, HAPs	240 HP
33	#1 P&H diesel truck crane	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	125 HP
34	#2 Detroit diesel truck crane	9 VAC 5-80-720 A	PM10, PM, VOC, SO2 NOx, CO, HAPs	157 HP
35	#3 Detroit diesel truck crane	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	165 HP
36	#4 Detroit diesel crawler crane	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	264 HP
37	#3 Perkins diesel welder	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	49 HP
38	#4 Perkins diesel welder	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	55 HP
39	#5 Perkins diesel welder	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	49 HP
40	#8 Ford gasoline welder	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	75 HP
41	#10 Hobart gasoline welder	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	50 HP

42	#12 Perkins diesel welder	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	49 HP
43	#15 Perkins diesel welder	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	49 HP
44	#1 Nissan propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	46 HP
45	#2 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
46	#3 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
47	#4 Nissan propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	46 HP
48	#5 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
49	#6 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
50	#7 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
51	#8 Nissan propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	46 HP
52	#9 Detroit diesel fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	90 HP
53	#14 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
54	#15 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
55	#16 Nissan propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	46 HP
56	#18 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
57	#20 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
58	#21 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
59	#22 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	78 HP
60	#23 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
61	#24 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	71 HP
62	#26 Chrysler propane fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	78 HP
63	#29 Cummins diesel fork lift	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	152 HP
64	Portable kerosene heaters	9 VAC 5-80-720 A	PM10, PM, VOC, SO2, NOx, CO, HAPs	0.15 mmBtu/hr each
66	Electroplating in electric shop	9 VAC 5-80-720 B	PM10, inorganic HAPs	Not Applicable
67	Distillation unit in hazardous waste storage area	9 VAC 5-80-720 B	VOCs, VOHAPs	Not Applicable
68	Woodworking operations in carpenter shop	9 VAC 5-80-720 B	PM10	Not Applicable

69	Paint Mixing in paint shop	9 VAC 5-80-720 B	VOCs, VOHAPs	36 gallons per hour
70	Welding operations in steel shop and pipe shop	9 VAC 5-80-720 A	PM10, inorganic HAPs	Not Applicable
71	Maintenance shop touch-up painting (90% hand-applied; 10% airless spray)	9 VAC 5-80-720 B	VOCs, VOHAPs	Not Applicable
72	Covered Metro 88 degreasers (2) in tool room (contains no solvents)	9 VAC 5-80-720 B	None	10 gallons each
73	Spray can degreasers, cleaners, etc. in maintenance shop	9 VAC 5-80-720 B	VOCs, VOHAPs	Not Applicable
74	Spray can degreasers, cleaners, etc. in outside machine shop	9 VAC 5-80-720 B	VOCs, VOHAPs	Not Applicable
75	Spray can degreasers, cleaners, etc. in boiler shop	9 VAC 5-80-720 B	VOCs, VOHAPs	Not Applicable
76	Spray can degreasers, cleaners, etc. in inside machine shop	9 VAC 5-80-720 B	VOCs, VOHAPs	Not Applicable
77	Spray can degreasers, cleaners, etc. in electric shop	9 VAC 5-80-720 A	VOCs, VOHAPs	Not Applicable
78	Solvents, oils, hydraulic fluids, and antifreeze in sealed 55-gallon drums and sealed hazardous waste containers in maintenance shop and lubricants in inside maintenance shop	9 VAC 5-80-720 A	VOCs, VOHAPs	Not Applicable
79	Solvents, cleaners, degreasers, penetrants, and lubricants in spray cans and in sealed 55-gallon drums in tool room	9 VAC 5-80-720 A	VOCs, VOHAPs	Not Applicable
80	Hazardous waste in sealed 55 gallon drums in hazardous waste storage building	9 VAC 5-80-720 A	VOCs, VOHAPs	Not Applicable
81	Waste oil storage tanks (2) in hazardous waste storage building and portable tankers in yard	9 VAC 5-80-720 B	VOCs, VOHAPs	3,000 gallons each
82	Propane storage tank near Navy paint storage	9 VAC 5-80-720 B	VOCs	1,000 gallons
83	Underground gasoline storage tank near Navy paint storage	9 VAC 5-80-720 B	VOCs, VOHAPs	10,000 gallons
84	Underground diesel fuel storage tank	9 VAC 5-80-720 A	VOCs, VOHAPs	4,000 gallons
85	Portable diesel (one 800-gallon, one 500-gallon, one 300-gallon, and one 125-gallon) and gasoline (125-gallon) storage containers in yard (including fire pump tanks)	9 VAC 5-80-720 A	VOCs, VOHAPs	See emission unit description at left
86	Small containers of acetylene, liquid oxygen, hydrogen, and argon near Navy paint storage	9 VAC 5-80-720 A	VOCs (acetylene containers)	Not Applicable
87	Navy paint storage areas with 5-gallon containers	9 VAC 5-80-720 A	VOCs, VOHAPs	Not Applicable

88	Varsol storage tank near Navy paint storage	9 VAC 5-80-720 B	VOCs, VOHAPs	300 gallons
89	Underground #2 oil storage tanks (2) near boiler room	9 VAC 5-80-720 B	VOCs, VOHAPs	15,000 gallons each
90	Diesel fuel storage tank in compressor /fire pump maintenance area	9 VAC 5-80-720 B	VOCs, VOHAPs	500 gallons
91	Gasoline loading pumps	9 VAC 5-80-720 B	VOCs, VOHAPs	1,260 gallons
92	Diesel fuel loading pumps	9 VAC 5-80-720 A	VOCs, VOHAPs	840 gallons per hour
93	Oil/water separator and treatment system including processing tanks	9 VAC 5-80-720 B	VOCs, VOHAPs	Not Applicable

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

XII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Inapplicability
40 CFR 63 Subpart DDDDD	Boiler MACT	Rule has been vacated
40 CFR 60 Subpart Dc	Standards of Performance for small industrial-commercial-institutional generating units	Boilers installed prior to 6/9/1989
40 CFR 63 Subpart ZZZZ	RICE MACT	Compression ignition engines installed prior to 12/19/2002

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

XIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

   (9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

   a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

   b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:

      (1) Exceedance of emissions limitations or operational restrictions;

      (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,

      (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.

3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

7. One copy of the annual compliance certification shall be sent to EPA at the following address:

   Clean Air Act Title V Compliance Certification (3AP00)
   U.S. Environmental Protection Agency, Region III
   1650 Arch Street
   Philadelphia, PA 19103-2029

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. [Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40.] The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition XII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

   (9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

   (9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
   (9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
   (9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
   (9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

b. The permitted facility was at the time being properly operated.

c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

XIV. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5-40-140 Existing Source Standard for Odor

2. 9 VAC 5-40-180 Existing Source Standard for Toxic Pollutants

3. 9 VAC 5-50-140 New and Modified Source Standard for Odorous Emissions

4. 9 VAC 5-50-180 New and Modified Source Standard for Toxic Pollutants
(9 VAC 5-80-110 N and 9 VAC 5-80-300)